

P.R. 4-5(d) CLAIM CHART OF DISPUTED AND AGREED TERMS

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p><u>U.S. Patent 7, 350,078</u></p> <p>1. A computer-implemented method for creating a signature for subsequent authentication comprising:</p> <p>indicating to a user commencement of signature input recording;</p> <p>recording user input signals by type from at least one user-selected device among a plurality of selectable user input devices,</p> <p>wherein a signal comprises a set of related software-recognizable data of the same type received from at least one input device, and</p> <p>wherein at least one user-selectable input device affords recording a plurality of signal types, and</p> <p>wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable input associated with at least one user-selectable input device;</p> <p>terminating said recording;</p> <p>creating a signature based at least in part upon said recording; and</p> <p>storing said signature.</p>	<p>“signal”/“signals”</p>	<p>A set of related software-recognizable data of the same type which results at the termination of a single user input into the computer via the input device</p>	<p>A set of [related software recognizable data] which results from user input onto the computer via the [input device]</p>	

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>2. The method according to claim 1, wherein said recording comprises signals from a plurality of user-selected devices.</p> <p>4. The method according to claim 1, further comprising passively terminating authentication comparison of a subsequent signature submission to said recording, thereby authenticating said subsequent signature; and wherein said signature comprises at least in part signal input that is user-controllable in duration.</p> <p><u>U.S. Patent 7,725,725</u></p> <p>1. A computer-implemented process comprising: receiving user indication of signature input recording; recording user input signals by type from at least one user-selected device among a plurality of selectable user input devices connected to a single computer, wherein a signal comprises a set of related software-recognizable data of the same type received from at least one input device, wherein a signal type comprises a</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>category of measurable variable input associated with at least one user-selectable input device, and wherein at least one user-selectable input device affords recording a plurality of signal types; terminating said recording; storing at least a portion of said recording; creating a signature based at least in part upon at least a portion of said stored recording; and storing said signature.</p> <p>2. The process according to claim 1, wherein said recording comprises signals from a plurality of user-selected devices.</p> <p>7. The process according to claim 1, wherein at least a portion of said recording comprises at least one signal type comprising signal input from a plurality of devices.</p> <p>9. The process according to claim 1, wherein said signature comprises signals from at least one category determined by received input after said storing at least a portion of said recording.</p> <p>10. A computer-implemented process</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>comprising:</p> <p>commencing signature input recording;</p> <p>recording user input signals by type from at least one user-selected device among a plurality of selectable user input devices connected to a single computer,</p> <p>wherein a signal comprises a set of related software-recognizable data of the same type received from at least one input device,</p> <p>wherein a signal type comprises a category of measurable variable input associated with at least one user-selectable input device, and</p> <p>wherein at least one user-selectable input device affords recording a plurality of signal types;</p> <p>terminating said recording;</p> <p>storing at least a portion of said recording;</p> <p>creating a signature using said stored recorded user input signals from a plurality of categories of measurable variable input; and</p> <p>storing said signature.</p> <p>11. The process according to claim 10, wherein said signature comprises signals from at least one signal type determined by received input after said storing at least</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>a portion of said recording.</p> <p>15. A computer-implemented method for recording input and creating a signature comprising:</p> <p>recording user input signals by type from at least one user-selected device among a plurality of selectable user input devices connected to a single computer,</p> <p>wherein a signal comprises a set of related software-recognizable data of the same type received from at least one input device,</p> <p>wherein a signal type comprises distinct measurable variable input associated with at least one user-selectable input device, and</p> <p>wherein recording a plurality of signal types for at least one user-selected device;</p> <p>terminating said recording;</p> <p>storing at least a portion of said recording;</p> <p>creating a signature based at least in part upon at least a portion of said stored recording; and</p> <p>storing said signature.</p> <p>16. The method according to claim 15, wherein said signature comprises signals</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>from at least one signal type determined by received input after said storing at least a portion of said recording.</p> <p>17. The method according to claim 15, wherein creating said signature using recorded signals from a plurality of signal types.</p> <p>19. The method according to claim 15, wherein creating said signature from input signals from a plurality of user-selected input devices.</p> <p><u>U.S. Patent 8,429,415</u></p> <p>1. A computing device which provides secured access, the computing device comprising: a program memory; a data storage memory; first and second input devices both of which are part of the computing device and are selectable by a user via the computing device to allow the user to generate a reference signature that can be compared to a future submitted signature for authentication purposes to allow it to be determined whether access to the computing device should be granted based on the user selection,</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>wherein at least one of the first and second user selectable input devices is of a type of input device other than a keyboard;</p> <p>a processor operatively interfaced with the program memory, the data storage memory, and the first and second user selectable input devices;</p> <p>a first set of instructions stored in the program memory that, when executed by the processor, allow a user to select at least one signal type, among at least two different user selectable signal types, to be received and stored in the memory, the at least two different signal types being associated with the first or second user selectable input devices;</p> <p>a second set of instructions stored in the memory that are adapted to be executed after the first set of instructions has been executed, the second set of instructions, when executed by the processor, causing</p> <p>(a) input data of at least one signal type from the user selected one of the first and second input devices to be generated and then recorded in the data storage memory,</p> <p>(b) a reference signature to be created which comprises in part at least a</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>portion of the input data recorded in the data storage memory, and (c) the reference signature to be stored in the data storage memory; and a third set of instructions stored in the program memory that are adapted to be executed after both the first and second sets of instructions have been executed, the third set of instructions, when executed by the processor, retrieving the reference signature from the data storage memory and comparing it to a subsequent signature submission signal to allow a determination to be made as to whether or not access to the computing device should be granted.</p>				
<p><u>U.S. Patent 7, 350,078</u></p> <p>1. A computer-implemented method for creating a signature for subsequent authentication comprising: indicating to a user commencement of signature input recording; recording user input signals by type from at least one user-selected device among a plurality of selectable user input devices, wherein a signal comprises a set of related software-recognizable data of</p>	<p>“measurable variable input”</p>	<p><u>Toshiba:</u> A variable quantity that can be measured, in contrast to a discrete quantity or condition that can be identified exactly</p> <p><u>HTC:</u> No construction necessary</p>	<p>A quantity, property, or condition that is measurable from an [input device]</p>	

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>the same type received from at least one input device, and wherein at least one user-selectable input device affords recording a plurality of signal types, and wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable input associated with at least one user-selectable input device; terminating said recording; creating a signature based at least in part upon said recording; and storing said signature.</p> <p>9. A computer-implemented method for creating a signature for subsequent authentication comprising: receiving user selection of at least one signal type among a plurality of selectable signal types; recording input data of at least one signal type from at least one user-selected input device among a plurality of selectable user input devices, wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable input associated with at least one user-selectable input device,</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>and wherein at least one user-selectable input device affords recording a plurality of signal types; and creating a signature comprising at least in part at least a portion of said input data of said user-selected signal types; and storing said signature.</p> <p><u>U.S. Patent 7,725,725</u></p> <p>1. A computer-implemented process comprising: receiving user indication of signature input recording; recording user input signals by type from at least one user-selected device among a plurality of selectable user input devices connected to a single computer, wherein a signal comprises a set of related software-recognizable data of the same type received from at least one input device, wherein a signal type comprises a category of measurable variable input associated with at least one user-selectable input device, and wherein at least one user-selectable input device affords recording a plurality of signal types;</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>terminating said recording; storing at least a portion of said recording; creating a signature based at least in part upon at least a portion of said stored recording; and storing said signature</p> <p>10. A computer-implemented process comprising: commencing signature input recording; recording user input signals by type from at least one user-selected device among a plurality of selectable user input devices connected to a single computer, wherein a signal comprises a set of related software-recognizable data of the same type received from at least one input device, wherein a signal type comprises a category of measurable variable input associated with at least one user-selectable input device, and wherein at least one user-selectable input device affords recording a plurality of signal types; terminating said recording; storing at least a portion of said recording; creating a signature using said stored</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>recorded user input signals from a plurality of categories of measurable variable input; and storing said signature.</p> <p>15. A computer-implemented method for recording input and creating a signature comprising:</p> <p>recording user input signals by type from at least one user-selected device among a plurality of selectable user input devices connected to a single computer,</p> <p>wherein a signal comprises a set of related software-recognizable data of the same type received from at least one input device,</p> <p>wherein a signal type comprises distinct measurable variable input associated with at least one user-selectable input device, and</p> <p>wherein recording a plurality of signal types for at least one user-selected device;</p> <p>terminating said recording;</p> <p>storing at least a portion of said recording;</p> <p>creating a signature based at least in part upon at least a portion of said stored recording; and</p> <p>storing said signature.</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p><u>U.S. Patent 8,429,415</u></p> <p>13. The computing device of claim 1, wherein the signal type comprises a category, among at least two different possible categories, of measurable variable input associated with at least one of the first and second user selectable input devices.</p> <p>14. The computing device of claim 1, wherein the signal type comprises a category of measurable variable input that arises from a user's interaction with a keyboard.</p>				
<p><u>U.S. Patent 7, 350,078</u></p> <p>1. A computer-implemented process comprising: receiving user indication of signature input recording; recording user input signals by type from at least one user-selected device among a plurality of selectable user input devices connected to a single computer, wherein a signal comprises a set of related software-recognizable data of the same type received from at least</p>	“signal type”	A category of measurable variable input associated with the signal received from at least one user-selectable input device	A category of [measurable variable input] associated with at least one user-selectable [input device]	

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>one input device, wherein a signal type comprises a category of measurable variable input associated with at least one user-selectable input device, and wherein at least one user-selectable input device affords recording a plurality of signal types; terminating said recording; storing at least a portion of said recording; creating a signature based at least in part upon at least a portion of said stored recording; and storing said signature.</p> <p>3. The method according to claim 1, further comprising receiving user selection of at least one signal type from a plurality of signal types associated with at least one user input device.</p> <p>9. A computer-implemented method for creating a signature for subsequent authentication comprising: receiving user selection of at least one signal type among a plurality of selectable signal types; recording input data of at least one signal type from at least one user-selected input device among a</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>plurality of selectable user input devices,</p> <p>wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable input associated with at least one user-selectable input device,</p> <p>and wherein at least one user-selectable input device affords recording a plurality of signal types; and</p> <p>creating a signature comprising at least in part at least a portion of said input data of said user-selected signal types;</p> <p>and</p> <p>storing said signature.</p> <p>12. The method according to claim 9, wherein at least one said signal type comprises input from a plurality of devices.</p> <p>15. A computer-implemented method for recording input and creating a signature comprising:</p> <p>recording user input signals by type from at least one user-selected device among a plurality of selectable user input devices connected to a single computer,</p> <p>wherein a signal comprises a set of related software-recognizable data of</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>the same type received from at least one input device, wherein a signal type comprises distinct measurable variable input associated with at least one user-selectable input device, and wherein recording a plurality of signal types for at least one user-selected device; terminating said recording; storing at least a portion of said recording; creating a signature based at least in part upon at least a portion of said stored recording; and storing said signature.</p> <p><u>U.S. Patent 7,725,725</u></p> <p>1. A computer-implemented process comprising: receiving user indication of signature input recording; recording user input signals by type from at least one user-selected device among a plurality of selectable user input devices connected to a single computer, wherein a signal comprises a set of related software-recognizable data of the same type received from at least</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>one input device, wherein a signal type comprises a category of measurable variable input associated with at least one user-selectable input device, and wherein at least one user-selectable input device affords recording a plurality of signal types; terminating said recording; storing at least a portion of said recording; creating a signature based at least in part upon at least a portion of said stored recording; and storing said signature</p> <p>7. The process according to claim 1, wherein at least a portion of said recording comprises at least one signal type comprising signal input from a plurality of devices.</p> <p>10. A computer-implemented process comprising: commencing signature input recording; recording input signals by type from at least one user-selected device among a plurality of selectable user input devices connected to a single computer, wherein a signal comprises a set of</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>related software-recognizable data of the same type received from at least one input device,</p> <p>wherein a signal type comprises a category of measurable variable input associated with at least one user-selectable input device, and</p> <p>wherein at least one user-selectable input device affords recording a plurality of signal types;</p> <p>terminating said recording;</p> <p>storing at least a portion of said recording;</p> <p>creating a signature using said stored recorded user input signals from a plurality of categories of measurable variable input; and</p> <p>storing said signature.</p> <p>11. The process according to claim 10, wherein said signature comprises signals from at least one signal type determined by received input after said storing at least a portion of said recording.</p> <p>15. A computer-implemented method for recording input and creating a signature comprising:</p> <p>recording user input signals by type from at least one user-selected device among a plurality of selectable user</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>input devices connected to a single computer,</p> <p>wherein a signal comprises a set of related software-recognizable data of the same type received from at least one input device,</p> <p>wherein a signal type comprises distinct measurable variable input associated with at least one user-selectable input device, and</p> <p>wherein recording a plurality of signal types for at least one user-selected device;</p> <p>terminating said recording;</p> <p>storing at least a portion of said recording;</p> <p>creating a signature based at least in part upon at least a portion of said stored recording; and</p> <p>storing said signature.</p> <p>16. The method according to claim 15, wherein said signature comprises signals from at least one signal type determined by received input after said storing at least a portion of said recording.</p> <p>17. The method according to claim 15, wherein creating said signature using recorded signals from a plurality of signal types.</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p><u>U.S. Patent 8,429,415</u></p> <p>1. A computing device which provides secured access, the computing device comprising:</p> <ul style="list-style-type: none"> a program memory; a data storage memory; first and second input devices both of which are part of the computing device and are selectable by a user via the computing device to allow the user to generate a reference signature that can be compared to a future submitted signature for authentication purposes to allow it to be determined whether access to the computing device should be granted based on the user selection, wherein at least one of the first and second user selectable input devices is of a type of input device other than a keyboard; a processor operatively interfaced with the program memory, the data storage memory, and the first and second user selectable input devices; a first set of instructions stored in the program memory that, when executed by the processor, allow a user to select at least one signal type, among at least two different user selectable signal 				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>types, to be received and stored in the memory, the at least two different signal types being associated with the first or second user selectable input devices;</p> <p>a second set of instructions stored in the memory that are adapted to be executed after the first set of instructions has been executed, the second set of instructions, when executed by the processor, causing</p> <p>(a) input data of at least one signal type from the user selected one of the first and second input devices to be generated and then recorded in the data storage memory,</p> <p>(b) a reference signature to be created which comprises in part at least a portion of the input data recorded in the data storage memory, and</p> <p>(c) the reference signature to be stored in the data storage memory; and</p> <p>a third set of instructions stored in the program memory that are adapted to be executed after both the first and second sets of instructions have been executed, the third set of instructions, when executed by the processor, retrieving the reference signature from the data storage memory and comparing it to a subsequent signature</p>				

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<p>submission signal to allow a determination to be made as to whether or not access to the computing device should be granted.</p> <p>12. The computing device of claim 1, wherein the reference signature stored in the data storage memory comprises at least two user-selected signal types.</p> <p>13. The computing device of claim 1, wherein the signal type comprises a category, among at least two different possible categories, of measurable variable input associated with at least one of the first and second user selectable input devices.</p> <p>14. The computing device of claim 1, wherein the signal type comprises a category of measurable variable input that arises from a user's interaction with a keyboard</p>				
<p><u>U.S. Patent 7, 350,078:</u> 1, 4, 5, 8, 9, 13, 14</p> <p><u>U.S. Patent 7,725,725:</u> 1, 4, 9, 10, 11, 14-17, 19</p> <p><u>U.S. Patent 8,429,415:</u> 1, 5, 11, 12</p>	<p>“signature”</p>	<p>[AGREED]</p>	<p>[AGREED]</p>	<p>“at least one transmission intended as a security precaution to preclude unauthorized access”</p>

Claims	Disputed Claim Term or Phrase	Defendants' Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
<u>U.S. Patent 7, 350,078</u> : 1, 3, 9 <u>U.S. Patent 7,725,725</u> : 1, 10, 15, 19 <u>U.S. Patent 8,429,415</u> : 1, 8, 13	"input device"	[AGREED]	[AGREED]	"a device by which a user enters input into a computer system"
<u>U.S. Patent 7, 350,078</u> : 4 <u>U.S. Patent 7,725,725</u> : 12	"passively terminating"	[AGREED]	[AGREED]	"stopping without overt user action when a predetermined condition is met"
<u>U.S. Patent 7, 350,078</u> : 1 <u>U.S. Patent 7,725,725</u> : 1, 10, 15	"same type"	[AGREED]	[AGREED]	No construction is necessary.
<u>U.S. Patent 7, 350,078</u> : 5, 13 <u>U.S. Patent 7,725,725</u> : 4, 14 <u>U.S. Patent 8,429,415</u> : 5	"predetermined degree of inexactness" / "designated tolerance of inexactness"	[AGREED]	[AGREED]	"a preset allowable measure of deviation from the recorded signal"
<u>U.S. Patent 7, 350,078</u> : 1 <u>U.S. Patent 7,725,725</u> : 1, 10, 15	"a set of related software recognizable data"	[AGREED]	[AGREED]	No construction is necessary.